

**THE COLORADO MEDICAL BOARD
LICENSING PANEL MINUTES**

December 14, 2011

9:07 a.m.

Licensing Panel of the Colorado Medical Board met Wednesday, December 14, 2011, in the offices of the Colorado Medical Board, 1560 Broadway, Conference 110-D, Denver, Colorado, beginning at 9:07 a.m. The meeting was noticed in accordance with Division Policy.

Present were: Dr. Groce, Dr. Matthews, Mr. Schoenmakers (departed at 1:20 p.m.), and Dr. Watts (departed at 1:20 p.m.).

Dr. Matthews conducted the meeting.

Also in attendance for all or part of the meeting were: Richard Morales, Section Director; Marschall Smith, Program Director; Maria Soto, Program Assistant; Jan Seewald, Licensing Specialist; Dennis Rhodes, Office of Expedited Settlement; and Assistant Attorney General Gina Simonson.

MINUTES

A motion was made, seconded, and carried to approve the minutes of the meeting of November 16, 2011, as amended.

LICENSING MATTERS

Executive Session

A motion was made, seconded, and carried to enter into Executive Session at 9:27 a.m. The Panel entered into executive session for the following purposes:

Pursuant to Section 24-6-402(3)(a)(II) C.R.S., to confer with counsel to receive legal advice on specific legal questions regarding the applicability of CRS, section 12-36-116(1) to the following applicants:

- John K. Gerard, M.D.
- Claire D. Ganal, M.D.
- Wade Grindle, M.D.
- Harry Taub, M.D.
- Gregory Alouf, M.D.

Pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), to confer with counsel to receive legal advice on specific legal questions regarding the applicability of the legal requirements set forth in CRS, 12-36-107.2 and Rule 140 to the following applicants:

- Rodrigo Banegas, M.D.
- Omer Mei-Dan, M.D.

Pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), to confer with counsel to receive legal advice on specific legal questions regarding the applicability of the legal requirements set forth in CRS, 12-36-107.6; 12-36-107(2)(b-c); 12-36-102.5(3); and policy 20-5 to the following individual:

- Dr. Julia Kirgen

To discuss medical records which are confidential pursuant to Colorado Revised Statutes, Title 25, article 1, part 12 and Colorado Revised Statutes section 13-90-107(1)(d) that were provided by the following applicant:

- Rochelle Carson-Wilkerson, M.D.

To discuss treatment records of applicants whose identity and treatment information is confidential pursuant to federal law (42 U.S.C. 290dd-2; 42 CFR Part 2); and section 25-1-312 of the Colorado Revised Statutes.

After discussion, the Panel exited the Executive Session at 10:44 a.m.

Physicians – Administratively Approved

A motion was made, seconded, and carried to approve the physician applicants listed below for licensure:

Auerbach, Jena
Battaglia, Michael John
Carvolth, Richard D.
Emig, Marshall Brian
Fortner, Michael Cameron
Hammond, Gareth William
Johnston, Rosemary Anne
Kingma, Douglas William
Krause, Lauren Kendall
Lee, Luis
Lin, Michael Wyshien
Lock, Ashley Nicole
Martinez, David Joseph
McClanahan, Katherine Lynn
McGow, Anna Izabela Krauze
McKinney, Christopher Michael

Mehta, Sanjay C
Mendoza, Phillip
Nguyen, Khanh Lebao
Olson, Jill Marie
Perrizo, Karla Marie
Pettersen, Michael D
Porter, Michael Joseph
Rackler, Rachel Lucile
Schuman, Valerie A
Stratford, Jude Longinus
Taylor, Noah Andrew
Thompson, Heidi Marie
Velguth, Kurt Gibson
Weaver, Jeffrey Richard
Wilson, Karen Marie

Physician Applicants – 1 Civil Malpractice Case - Administratively Approved

A motion was made, seconded, and carried to approve the physicians listed below for licensure:

Sherwood W. Barefoot, Jr.

IMG Applicants – Administratively Approved

A motion was made, seconded, and carried to grant the physician applicants listed below a Colorado medical license pursuant to Section 12-36-107.6., C.R.S.:

Maher Mounir Badir
(Endorsement)
Quentin J. Durward
(Endorsement)
Michael James Fitzmaurice, M.D.
Kevin Matthew Franck, M.D.
Nabil Amin Yassa, M.D.
(Endorsement)

Special Physician Applicant – Endorsement – Requiring Board Review

John Kenneth Gerard, M.D.

After review of the application, a motion was made, seconded and carried to grant Dr. Gerard a Colorado Medical license.

A second motion was made, seconded, and carried for the Panel to instruct staff to send Dr. Gerard a letter outlining some of the resources available to all Colorado Physicians.

Special Physician Applicants — Requiring Board Review

Rochelle Lyvette Cason-Wilkerson, M.D.

After review of the application, a motion was made, seconded, and carried to table Dr. Cason-Wilkerson's application for additional information.

Claire D. Ganai, M.D.

After review of the application, a motion was made, seconded, and carried to table Dr. Ganai's application for additional information.

Brian Jeffrey Grade, M.D.

After review of the application, a motion was made, and seconded, and carried to grant Dr. Grade a Colorado medical license.

James Paul Ching Maganito, D.O.

A motion was made, seconded, and carried to allow Dr. Maganito to withdraw his application. This withdrawal will not be reported to the Federation of State Medical Boards,

Special Applicants – Tabled - Requiring Board Review

Wade Lincoln Grindle, M.D.

After review of the application, a motion was made, and seconded and carried to issue a license subject to probationary terms and refer the matter to the Office of Attorney General for final resolution.

A second motion was made, seconded, and carried to allow Dr. Grindle to withdraw his application.

Harry Evan Taub, M.D.

After review of the application, a motion was made, seconded, and carried to issue a license subject to probationary terms and to refer the matter to the Office of Attorney General for final resolution.

Polly Fleet Train, M.D.

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

After review of the application and CPHP evaluation, a motion was made, seconded, and carried to table this case to obtain additional information.

Special IMG Applicant – Requiring Board Review

Oszkar Szentirmai, M.D.

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

The Panel reviewed the mitigating circumstances and information regarding Dr. Szentirmai's request for a waiver of Rule 100 timeline requirement for passing the USMLE.

A motion was made, seconded and carried to waive the timeline provision of paragraph 5 of Board Rule 100 and grant Dr. Szentirmai a Colorado medical license.

Special IMG Applicant – Endorsement - Requiring Board Review

Gregory A. Alouf, M.D.

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

After full consideration of the information available, a motion was made, seconded, and carried to deny Dr. Alouf a Colorado Medical license.

A second motion was made, seconded, and carried to authorize Dr. Alouf to withdraw his application.

Distinguished Foreign Teaching Physician Applicants – New – Requiring Board Review

Rodrigo Natalio Banegas, M.D.

Dr. D'Ambrosia and Dr. Stahel appeared and presented information in support of Dr. Banegas' application.

After review of the application, a motion was made, seconded, and carried to convert his application for licensure via endorsement and to table this case to obtain additional information.

Omer Y. Mei-Dan, M.D.

Dr. D'Ambrosia and Dr. Stahel appeared and presented information in support of Dr. Mei-Dan's application.

After review of the application, a motion was made, seconded, and carried to grant Dr. Mei-Dan a Colorado Distinguished Foreign Teaching physician license.

Miscellaneous

Cecile Mauge, M.D.

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

Dr. Mauge provided a request to convert her re-entry license to a full, active medical license and provided information supporting her request.

After review of the available information and determining that the Dr. Mauge is competent and qualified to practice medicine without supervision, a motion was made, seconded, and carried to grant Dr. Mauge's request and convert her license to an active Colorado Medical license.

Dr. Julia Kirgan

Dr. Kirgan appeared and presented to the Panel information regarding her efforts to qualify for licensure as a foreign trained physician.

Dr. Kirgan has not completed an application for licensure. No action was required of the Panel and no action was taken on this matter.

The Panel instructed the Program Director to include this matter as a discussion item on the February 2012 Full Board agenda.

George S. Bowen, M.D.

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

The Panel reviewed a Licensing Stipulation and Final Agency Order.

After review of the available information, a motion was made, seconded, and carried to approve the Licensing Stipulation and Final Agency Order.

A second motion was made, seconded, and carried authorizing the Program Director to sign for the Panel.

Robert Pensack, M.D.

Dr. Pensack appeared and presented information in support of his application to convert his re-entry license to a full, active medical license.

After review of the available information and determining that the Dr. Pensack is competent and qualified to practice medicine without supervision, a motion was made, seconded, and carried to grant Dr. Pensack's request and convert his license to an active Colorado Medical license.

Carl Goddard and Steve Kudebeh, PA-C

Ms. Goddard and Mr. Kudebeh, both representing the Colorado Academy of Physician Assistants ("CAPA") appeared and presented to the Panel information regarding concerns regarding the re-entry requirements found in Colorado Medical Board Rule 410.

After consideration of the information, a motion was made, seconded, and carried authorizing the Program Director to act on behalf of the Panel to determine options and solutions for consideration by the Panel. The Panel also requested that the Program Director include Mr. Kirkpatrick, PA-C, member of the Board, in the discussions with CAPA.

UNLICENSED PRACTICE MATTERS

Complaint from Dr. Williams against:

Dean Anderson, D.C.

Dan Dansereau

Exquisite Salon and Spa

Lipolaser Denver (Dr. Elwell, D.C. and Dr. Johnson, D.C.)

Lohi Lip Laser

Tina M. Long

Reveal Zerona

Sleek Zerona

Zerona Zone

Dr. Williams appeared and presented to the Panel information regarding his complaint against the various individuals and companies regarding the use of lasers for medical purposes.

After consideration of the available information, a motion was made, seconded, and carried to refer the matter to the Office of Investigations. Mr. Schoenmakers was not available to participate in this motion.

David Stang

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

The Panel reviewed a memo from staff and information from the State Grievance Board.

After consideration of the available information, a motion was made, seconded, and carried to table the matter to obtain additional information.

Glenn Philip Wallis

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

The Panel reviewed information regarding a complaint against Mr. Wallis.

After consideration of the available information, a motion was made, seconded, and carried to table the matter to obtain additional information.

David Marco

Dr. Watts and Mr. Schoenmakers were not available to discuss this matter.

The Panel reviewed a proposed stipulated revised Cease and Desist Order.

After consideration of the available information, a motion was made, seconded, and carried to approve the proposed stipulated Cease and Desist Order.

A second motion was made, seconded, and carried authorizing the Program Director to sign for the Panel.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:00 p.m.

These minutes were approved by the Licensing Panel on this 18th Day of January 2012.

Approved by: Kathleen Matthews, M.D.

Date: January 18, 2012